

### **REMARKS/ARGUMENTS**

Applicants have received the Office Action dated May 3, 2007, in which the Examiner: 1) rejected claims 19-21 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as allegedly indefinite; 2) rejected claims 1-7 and 11-21 as allegedly double patenting over claims 1-3 of U.S. Pat. No. 6,697,919; 3) rejected claims 1, 2, 4-6 and 16-18 under 35 U.S.C. § 103(a) as allegedly obvious over *Computer Architecture: A Quantitative Approach* by Patterson Hennessey (hereinafter "Patterson") in view of McCracken (U.S. Pub. No. 2002/0059500); 4) rejected claims 19-21 as allegedly obvious over Safranek (U.S. Pat. No. 6,493,809) in view of Yagi (U.S. Pat. No. 6,564,302); 5) rejected claims 11 and 15 as allegedly obvious over Patterson in view of McCracken and Safranek; 6) rejected claims 12-14 as allegedly obvious over Patterson in view of McCracken and Laudon (U.S. Pat. No. 5,634,110, hereinafter "Laudon"); and 7) objected to claims 3 and 7 as being dependent upon a rejected base claim but otherwise allowable. With this Response, Applicants have amended claims 1, 19 and 20 and canceled claim 7.

#### **I. THE § 112 REJECTIONS**

The Examiner's § 112 rejections of claims 19-21 have been addressed by way of amendment to claims 19 and 20.

#### **II. THE DOUBLE PATENTING REJECTIONS**

The Examiner issued a provisional, obviousness-type double patenting rejection of claims 1-7 and 11-21 over claims 1-3 of the '919 patent. Applicants respectfully submit that a terminal disclaimer is premature at this point because of the amendments to claims 1 and 19, which the Examiner may determine render moot the double patenting rejections.

### **III. THE ART REJECTIONS**

The Examiner concluded that claim 7 (which depends on claim 1) contains allowable subject matter. Without conceding the merits of the Examiner's rejection of claim 1, Applicants amend claim 1 to include the limitations from claim 7. Consequently, claim 7 has been canceled. For at least the reason that the Examiner indicated claim 7 to be allowable, the Examiner should find that claim 1 and all claims dependent thereon to be in condition for allowance.

Claims 19-21 were rejected over the combination of Safranek and Yagi. The Examiner concluded that Safranek does not disclose an invalidation request that includes "a pattern of bits for identifying a subset of the plurality of nodes that potentially store cached copies of the identified memory line." Instead, the Examiner turned to Yagi.

Yagi is a U.S. patent based on a previously filed Japanese application (2000-109707). While Yagi's international filing date is April 11, 2000, Yagi's US filing date is April 10, 2001. The priority date of the present application is at least June 10, 2000 (the filing date of the provisional application to which the present case claims priority). Thus, while Yagi's international filing date is before the present case's priority date, Yagi's US filing date is **after** the present case's priority date. Under 35 U.S.C. § 102(e), Yagi's § 102(e) date is its US filing date. See MPEP § 706.02(f)(1). Moreover, Applicants believe that Yagi cannot be used as prior art against the present case. The Examiner is invited to double check this analysis. At least because Safranek lacks at least one of the claim limitations (as determined by the Examiner) and Yagi is not "prior art" to the claims of the present case, claims 19-21 are in condition for allowance.

**IV. CONCLUSION**

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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